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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,580	11/16/2001	Dean K. Cluff	ITL.0692US (P13223)	8669

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EXAMINER

PHAN, HUY Q

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 07/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/993,580

Applicant(s)

CLUFF ET AL.

Examiner

Huy Q Phan

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Cho et al. (US2003/0032415).

Regarding claim 1, Cho et al. disclose in figure 1, a communications device (10) comprising: a processor (50); and a storage (30) coupled to said processor, said storage storing instructions that enable the processor to record ambient sounds [0015] and to play back those ambient sounds when a incoming call is being received ([0017]).

Regarding claim 2, Cho et al. disclose a device as recited in the rejection of claim 1, wherein said device is a cellular telephone [0010].

Regarding claim 3, Cho et al. disclose a device as recited in the rejection of claim 1, including a speaker (fig. 1, box 60) and a microphone [0015] coupled to said processor.

Regarding claim 4, Cho et al. disclose a device as recited in the rejection of claim 1, including caller identification to identify incoming callers [0017].

Regarding claim 5, Cho et al. disclose a device as recited in the rejection of claim 4, wherein said storage stores instructions that enable the processor to match a caller identification to a recorded sound [0017] and to automatically play back the recorded sound when a given caller calls ([0013]-[0018]).

Regarding claim 6, Cho et al. disclose a device as recited in the rejection of claim 1, wherein said storage stores instructions to automatically playback a stored sound enabling the user to indicate whether or not the storage stored sound is acceptable ([0015]-[0016]).

Regarding claim 7, Cho et al. disclose a method comprising: enabling a user to record a sound to be played back when a call is received ([0013]-[0018]); and automatically playing back the sound when a call is received ([0013]-[0018]).

Regarding claim 8, Cho et al. disclose a method as recited in the rejection of claim 7, including mapping a caller identification to a recorded sound [0017] and automatically playing back the recorded sound when a call from a particular caller is received ([0017]- [0018]).

Regarding claim 9, Cho et al. disclose a method as recited in the rejection of claim 7, including automatically playing back a sound after a sound is recorded [0015] and enabling the user to indicate whether or not the sound is acceptable ([0012]-[0018]).

Regarding claim 10, Cho et al. disclose a method as recited in the rejection of claim 7, including enabling the user to record a user supplied sound ([0012]-[0018]).

Regarding claim 11, Cho et al. disclose a method as recited in the rejection of claim 10, including enabling a user to record the verbalization of the user's name [0015].

Regarding claim 12, Cho et al. disclose a method as recited in the rejection of claim 7, including enabling the user to record a unique distinctive sound to be played back when a call is received [0015].

Regarding claim 13, Taniguchi et al. disclose in figure 1, an article comprising a medium storing instructions (30) that enable a processor-based system (50) to: record ambient sounds [0015]; and determine when an incoming call is being received and automatically play back said ambient sounds when an incoming call is being received [0017].

Regarding claim 14, Cho et al. disclose an article as recited in the rejection of claim 13, further storing instructions that enable a processor-based system (50) to associate a recorded sound with a caller identification [0017] and when a caller identification is received automatically play back the sound [0018].

Regarding claim 15, Cho et al. disclose an article as recited in the rejection of claim 13, further storing instructions that enable the processor-based system (50) to record a sound [0015], automatically play back the sound, and determine whether the user approves the sound [0015].

Regarding claim 16, Cho et al. disclose in figure 1, a cellular telephone (10) [0010] comprising: a baseband chipset (50); a radio frequency chipset (20) coupled to said baseband chipset; and a memory storing instructions (30) that enable the baseband chipset to record ambient sounds [0015] and to play back those ambient sounds when an incoming call is being received through said radio frequency chipset [0017].

Regarding claim 17, Cho et al. disclose a cellular telephone as recited in the rejection of claim 16, including a speaker (60) and a microphone [0015] coupled to said baseband chipset.

Regarding claim 18, Cho et al. disclose a cellular telephone as recited in the

rejection of claim 16, including caller identification to identify incoming callers [0017].

Regarding claim 19, Cho et al. disclose a cellular telephone as recited in the rejection of claim 18, wherein said storage stores instructions that enable the baseband chipset to match a caller identification to a recorded sound and to automatically play back the recorded sound when a given caller calls ([0014]-[0018]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Taniguchi et al. (US2003/0176206) disclose a music playback for mobile phone.
- b) Dowlat et al. (US2003/0054867) disclose a method for alerting users of coming calls.
- c) Matsuda et al. (US-2001/0014616) disclose a method for ringing sound alerting.
- d) Silberfenig et al. (US-2001/0041590) disclose a method for sound storage device.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 703-305-9007. The examiner can normally be reached on 8AM-5PM.

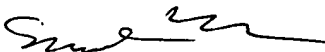
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Urban F Edward can be reached on 703-305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phan, Huy Q

AU: 2685

Date: Jun. 25, 2004

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1300